IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15798 of 2004

Between:

B. Srinu S/o. Halia
R/o. Yerragattu Thanda, Mellacheruvu Mandal,
Nalgonda District.

..... PETITIONER

AND

1 The Station House Officer, Chilkur Police Station,
Chilkur, Nalgonda District.
2 The Dy. Commissioner of Proh and Excise, Mahaboobnagar Division,
Mahaboobnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the 1t respondent in seizing the 48 bags of Black Jaggery and one bag of Alum under Crime No. 11/2003 as illegal, arbitrary and consequently direct the respondents herein to release the said stock.

Counsel for the Petitioner : MR.PALLENAGESWAR RAO

Counsel for the Respondents : GP FOR HOME and

GP for Prohibition & Excise.

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.15798 OF 2004

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ORAL ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of the 1st respondent – Station House Officer, Chilkur Police Station, Chilkur, Nalgonda District in seizing 48 bags of Black Jaggery and one bag of Alum under Crime No.11 of 2003 as arbitrary and illegal.

It is represented by the learned Counsel for the petitioner and the learned Government Pleader for Prohibition & Excise that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition

& Excise to consider the representation of the petitioner for release of the seized goods and to pass appropriate orders in accordance with law. The learned Counsel for the petitioner states that the petitioner has already made such representation before the Deputy Commissioner of Prohibition & Excise on 23-03-2003 and the same is pending before him.

In the circumstances, the Writ Petition is disposed of with a direction to the 2nd respondent – Deputy Commissioner of Prohibition & Excise, Mahaboobnagar Division, Mahaboobnagar District to consider and dispose of the representation made by the petitioner dated 23-03-2003 for release of the seized goods on furnishing Bank Guarantee to the value of the goods as determined by him and to pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of this order. No costs.

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03rd September, 2004.

Note:-

Furnish CC by 7/9/04.

(B/O)

gbs

To

1 The Station House Officer, Chilkur Police Station,
Chilkur, Nalgonda District.
2 The Dy. Commissioner of Proh and Excise, Mahaboobnagar Division,
Mahaboobnagar District.

3. 2CCs to G.P. for Home, High Court Bldgs, Hyderabad. (OUT).

4. 2CD copies

5. 2 CCs to G.P. for Prohibition & Excise, High Court Bldgs, Hyderabad(OUT).